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REMARKS

In this Office Action, claims 13-17, 21 and 38 pending and rejected. Arguments addressing the Examiner's position are provided. In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 35 U.S.C. §103. As such, Applicants believe that all of these claims are now in allowable form.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

Claims 13-17

The Examiner has rejected claims 13-17 under 35 U.S.C. §102(e) as being anticipated by Rau U.S. Patent No. 6,304,569, hereinafter "Rau"). Applicants respectfully traverse the rejection.

In general, Rau teaches a method for the reception of message cells from low-priority connections from only one of a number of redundant transmission paths. In order to avoid an overload following the recombination of the message cell streams transmitted via the redundant transmission paths, the message cells of a low-priority connection are received from only one transmission path. (Rau, Abstract). In particular, Rau teaches that redundant message cells are transmitted via redundant transmission paths and that one of the received redundant message cells is selected for further processing. An identification bit is assigned to each connection in a class of connections, and each message cell includes a selection condition character defining the transmission path by which message cells received on a connections associated with a particular connection class are accepted for further processing. (Rau, Col. 6, Lines 44-60).

Rau, however, fails to teach each and every limitation of Applicants' invention of at least claim 13. Namely, Rau fails to teach or suggest at least the limitations of "selecting one of the received multiple copies of the packet in response to comparing each packet identifier in the received multiple copies of the packet, wherein the one signaling packet selected is chosen without regard to the diverse communication path on which it is received," as taught in Applicants' invention of at least claim 13. Specifically, Applicants' claim 13 positively recites:

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A method for use in a node of a packet network including a plurality of communication paths, the method comprising the steps of:

receiving multiple copies of a signaling packet from at least two diverse communication paths of said packet network;

calculating a counter value related to a received packet identifier;

comparing the counter value with a packet identifier in each of the multiple copies of the received signaling packet to identify the multiple copies of the signaling packet; and

selecting one of the received multiple copies of the packet in response to comparing each packet identifier in the received multiple copies of the packet, wherein the one signaling packet selected is chosen without regard to the diverse communication path on which it is received.

(Emphasis added.)

As such, Applicants' invention of at least claim 13 teaches that a counter value related to a received packet identifier is calculated. The calculated counter value is compared with a packet identifier in each of the multiple copies of the received signaling packet in order to identify the multiple copies of the received signaling packet. One of the received multiple copies of the packet is selected in response to the comparison of the counter value to each packet identifier in the respective multiple copies of the packet. Furthermore, the selected signaling packet is selected without regard to the diverse communication path on which it is received.

By contrast, Rau teaches that selection of a message cell is performed as a part of recombination processing. As taught in Rau, after a stream is selected, a recombination method is performed for realigning the cells in the order in which they were originally transmitted. In particular, Rau teaches that "[a] message cell has a series number which is assigned in a cyclically progressing manner for consecutive message cells belonging to a virtual connection. The individually distinguishable series numbers of a virtual connection define a message cell sequence cycle." (Rau, Col. 3, Lines 37-42). Furthermore, with respect to recombination of the message cell stream, Rau teaches that "[i]t is checked...whether an incoming message cell is the one which is to be routed for the relevant virtual connection immediately following the last-routed (most recently routed) message cell...[t]he determination of the message cell immediately following can ensue by incrementation of the stored series number of the last routed message cell and a comparison of the incremented series number with the

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series number of a message cell just switched through. The determination of the message cell immediately following thus is accomplished by an easily performed comparison of the series numbers." (Rau, Col. 4, Lines 28-42).

As such, each unique cell associated with a connection is assigned a series number so that the cells can be realigned in the correct order on the receiver (i.e., in the order in which the message cells were originally transmitted). In other words, as taught in Rau, the series numbers are used for reordering the message cells at the receiver. For example, if the series number of the last routed cell is 50 (indicating that the last routed cell is the 50th message cell transmitted over the virtual connection), the recombination algorithm increments that series number to 51, indicating that the next cell that should be routed through is the 51st message cell of the virtual connection. As such, the series numbers of Rau are compared for determining the correct order of message cells associated with the virtual connection, not for selecting one of a plurality of received copies of signaling packets, as taught in Applicants' invention of claim 13.

Thus, the computation of a series number after the routing of each message cell in order to identify the series number of the next message cell (i.e., a different message cell) to be routed, as taught in Rau, is not calculation of a counter value related to a received packet identifier and comparing the counter value with packet identifiers associated with multiple copies of the same signaling packet, as taught in Applicants' invention of at least claim 13. As such, the series number comparison processing of Rau that is cited by the Examiner is performed in a different manner than, and for a completely different purpose than, the counter value comparison processing of Applicants' invention of at least claim 13.

Moreover, Applicants' invention of at least claim 13 teaches that the one signaling packet, selected from the multiple copies of the signaling packet, is chosen without regard to the diverse communication path on which it is received. By contrast, Rau teaches that, in the case of redundant message cells, selection of message cells for routing is dependent on the communication path on which the message cells are received. The selection of message cells based on the communication path on which the message cells are received, as taught in Rau, is completely different from selection of one signaling

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packet from multiple copies of the signaling packet, where the selection is made without regard to the communication path on which the signaling packet is received, as taught in Applicants' invention of at least claim 13.

In particular, in support of such teachings that are completely different than the teachings of Applicants' invention of claim 13, Rau states that "the recombination algorithm further checks whether the message cell was transmitted on the transmission path designated by the global selection identification character rCSP." (Rau, Col. 5, Lines 26-28). Furthermore, Rau states that "the message cells of connections which are allocated to a class are only received for further processing if they are transmitted by a transmission path just designated...[and] [i]f the global selection identification character rCSP is switched over to designated of another transmission path, then message cells of connections allocated to the class are received exclusively by transmission paths with the current designation." (Rau, Col. 5, Lines 34-50, Emphasis added). As such, it is clear that selection of message cells in Rau is dependent on the communication path on which the message cells are received, and, therefore, Rau fails to teach or suggest the limitation of "wherein the one signaling packet selected is chosen without regard to the diverse communication path on which it is received," as taught in Applicants' invention of at least claim 13.

As such, as seen from the teachings of Rau cited above, the series numbers of Rau are processed in a different manner than the processing of the counter values and packet identifiers of Applicants' invention of at least claim 13. Furthermore, processing of the series numbers, as taught in Rau, is performed for a completely different purpose than processing of the counter values and packet identifiers, as taught in Applicants' invention of at least claim 13. Moreover, Rau teaches that selection of message cells for routing is dependent on the communication path on which the message cells are received. As such, Rau fails to teach each and every element of Applicants' invention of at least claim 13.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ

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481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Rau reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

As such, Applicants submit that independent claim 13 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, claims 14-17 depend, either directly or indirectly, from independent claim 13 and recite additional features thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims also are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103

Claims 21 and 38

The Examiner has rejected claims 21 and 38 under 35 U.S.C. 103(a) as being unpatentable over Rau in view of Madour et al. U.S. Patent No. 6,611,532 (hereinafter "Madour"). Applicants respectfully traverse the rejection.

For at least the reasons described herein, Rau fails to teach or suggest Applicants' invention of claim 13, as a whole. Namely, Rau fails to teach or suggest at least the limitations of "selecting one of the received multiple copies of the packet in response to comparing each packet identifier in the received multiple copies of the packet, wherein the one signaling packet selected is chosen without regard to the diverse communication path on which it is received," as taught in Applicants' invention of at least claim 13. Furthermore, Madour fails to bridge the substantial gap as between Rau and Applicants' invention of at least claim 13.

In general, Madour teaches integration of signaling system number 7 (SS7) networks with networks using multi-protocol label switching (MPLS) such that label switching may be used seamlessly throughout a collection of heterogeneous networks, including both IP-based and SS7-based networks. (Madour, Abstract). Madour, however, fails to teach or suggest each and every element of Applicants' invention of at least claim

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PAGE 10/12 * RCVD AT 9/20/2005 10:46:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2738300 * CSID:+17325309808 * DURATION (mm-ss):03-44

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13. Namely, Madour fails to teach or suggest at least the limitations of "selecting one of the received multiple copies of the packet in response to comparing each packet identifier in the received multiple copies of the packet, wherein the one signaling packet selected is chosen without regard to the diverse communication path on which it is received," as taught in Applicants' invention of at least claim 13. As such, Rau and Madour, both alone and in combination, fail to teach or suggest Applicants' invention, as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 USPQ 416, 420 (Fed. Cir. 1986) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Rau and Madour, either singly or in combination, fail to teach or suggest Applicants' invention as a whole.

As such, Rau and Madour, either singly or in combination, do not render Applicants' independent claim 13 obvious. Furthermore, Applicants' claims 21 and 38 depend directly from claim 13 and recite additional features therefor. As such, Applicants submit that these dependent claims are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Entry of this amendment, reconsideration, and allowance are respectfully solicited.

If the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact Eamon J. Wall at 732-530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall, Attorney
Registration No. 39,414
Telephone: 732-530-9404

Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, Suite 100
Shrewsbury, NJ 07702
Telephone: (732) 530-9404
Facsimile: (732) 530-9808

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